

## THE CARLSBAD CURRENT

CARLSBAD, NEW MEXICO

### Rats—A National Pest.

Rats cost the United States nearly \$55,000,000 annually, according to the biological survey of the department of agriculture. At this amount the government scientists estimate the damage done by the rodents and after exhaustive experiments it has been determined that the pests cannot be exterminated. All that science can hope to do is to hold them within bounds and to do this nothing more satisfactory has been discovered than the old-fashioned rat trap, says Technical Magazine. Inoculation and all other methods. It has been established to the satisfaction of the scientists who have studied the situation, are not equal to the trap in the work of destruction. The amount of damages given by Dr. C. Hart Merriam, chief of the survey, is conservative and doubtless below the figures. While he estimates that \$1,000,000 of the fire loss of the country is traceable to rats, the underwriters place it at 15 times that sum, of which \$1,000,000 is due to the gnawing away of insulation on electric wires. Special attention has been given by the government investigators to conditions in Washington. The whole underworld of the capital city, Dr. Merriam says, is populated with rats—millions of them. Washington loses each year from rats, aside from the fires for which they are responsible, \$200,000 in damage done in markets, shops and department stores. Some of these places employ professional rat catchers, with ferrets and small dogs, but this method, Dr. Merriam finds, is unsatisfactory, since few rats are killed and the expense is great.

### Airships in War.

That airships are likely to play an important part in war is an increasing belief among military men. Most of the great foreign powers in planning for the future make provision for the use of flying machines, and in some cases aeroplanes are given much prominence. American army officers appear to be coming to the same way of thinking. The board of ordinance of the war department at Washington is so seriously impressed that strong recommendations will be made, and it is expected that the suggestions will be embodied in the annual report of the secretary. The officers of the signal corps are said to be in full accord with these ideas and have expressed themselves to the effect that the country could well afford to invest \$10,000,000 in air craft to be available for national defense. The type of vessel favored by the officers is the dirigible balloon, as it is said they are convinced that the "heavier than air" sort are impracticable. The board of ordinance, it is given out, will propose an immediate expenditure of \$1,000,000 for flying machines to be available for coast defense, and congress will be asked to make the necessary appropriation.

The Georgia assembly is to be asked to pass a bill forbidding any woman "to betray into matrimony" an "unsuspecting male subject of the state" by wiles, guile, flattery, false hair or a number of other well-known feminine artifices. This is a direct aim at the wiles which woman has justly come to regard as her rights, and the women of the Cracker state should be up in arms at the threatened infringement. And while about it, why not introduce a bill forbidding man indulging in anything but the truth and eliminating all the small, pleasing but not always truthful flatteries in which he sometimes indulges while carrying on a courtship. While assailing the feminine wiles, it is only just not to forget that there are such things as masculine wiles also.

The bureau of immigration is doing excellent work in diverting thousands of aliens from the crowded city centers, where they are likely to become a danger and a drain upon the resources, and sending them into the country, where there is a demand for farm laborers. Applications are received from farm owners who are in need of assistance, and in response to these appeals 1,000 laborers were supplied between the first of last February and the first of June. The farm, which a few years ago threatened to lapse in disfavor, is being accorded its share of importance, both as a factor in our commercial and industrial life and in solving our social problems as well.

## CASE AGAINST STANDARD OIL

ATTORNEY GENERAL BONAPARTE PETITIONS COURT OF APPEALS FOR REHEARING.

### UPHOLDS LANDIS' FINE

ALLEGES THAT JUDGE GROSS CUP'S DECISION ERRS AS TO STATUTES AND EVIDENCE.

Chicago.—The government's petition for a rehearing by the United States Court of Appeals of the case against the Standard Oil Company of Indiana was filed Friday and represents, it is stated, the administration's attempt to save the Elkhart act and the Interstate Commerce law from becoming futile.

The filing of the petition marked the appearance of Attorney General Bonaparte in the case, as well as that of Frank H. Kellogg, who is a special assistant to the attorney general. Besides these two names the petition is signed by Edwin W. Sims, United States district attorney at Chicago, and Special Assistant James H. Wilkerson, both of whom presented the government's side of the case in the original hearing before Judge Landis, who administered the famous fine of \$29,240,000 against the defendant.

"May a concern, which through corporate organization and railroad favoritism has established a gigantic monopoly in a territory with a population of millions and concentrated a business many thousand times as large as that carried on by the ordinary citizen, plead in mitigation of punishment when called to account for its violations of the law, that the number of offenses which it has committed and for which it is required to answer, has been in proportion to the magnitude of its business?"

This is the question which Attorney General Bonaparte and associate counsel put squarely to the United States Circuit Court of Appeals in their petition for a rehearing of the case against the Standard Oil Company of Indiana.

"Is this court to be understood," the petition asks, "as announcing the rule that in case it does not agree with the trial judge as to the amount of punishment which should have been imposed, the sentence will be reversed on the ground that it was an abuse of judicial discretion?"

"Every day defendants are fined many times more than the value of all the property they possess."

"Is the principle different because the amount involved is measured by hundreds of dollars in one case and by millions in the other?"

The profits of the oil company, \$33,583,208 in four years, are cited as amply justifying Judge Landis in doing precisely what he did. The petition says:

"The trial judge did that which is done in every criminal case. He sought to inform himself as to who the defendant was, as to whether the crime committed embraced more of wickedness than the indictment charged; or, whether on the other hand, there were circumstances of mitigation."

The petition asks: "May a shipper successfully plead ignorance of the lawful rate, when that ignorance is the result of his own negligence or of his failure to avail himself of the sources of knowledge at his command?"

To permit such a defense, the petition says, "is to make of the law a mere wisp of legislation, a phantom statute destitute of strength or substance."

In conclusion, the government directs attention to the following contentions:

"That the opinion of this court is based upon a misconception of the record with reference to the rulings of evidence tending to show want of knowledge, and with reference to his construction of the statute on that subject, and the theory on which the case was tried."

"That the interpretation of the statute by this court, imposing no duty on the shipper and permitting a defense of ignorance to be made without regard to the negligence of the shipper, is contrary to the language of the statute and to its purpose and seriously impairs the efficiency of the act."

"That the criticism of the trial judge for abuse of discretion rests upon a wrong assumption of what the trial judge actually did and assumes that he attempted to try and punish the Standard Oil Company of New Jersey."

"That the ruling stated in the opinion to the effect that a fine is excessive when it exceeds in amount the ability of the defendant to pay is an innovation in criminal law."

"That, in short the opinion, as it stands erroneously states material portions of the record, does injustice to the trial judge; leaves doubtful in a new trial the rule of law to be applied, both as to knowledge, on the part of the shipper, and as to the number of offenses; appears to be in conflict with the language of the Supreme Court and with the previous language of the presiding judge of this court, and with the great weight of legal authority; and, if permitted to remain unmodified, will tend to encourage disobedience to law, to impede the enforcement of salutary statutes and largely to defeat their purpose."

## NEW MEXICO NEWS SUMMARY

New Mexico Press Association.

The editors and newspaper men who were in Santa Fe during the Republican territorial convention Tuesday, August 18th, after the adjournment of the convention Tuesday night took steps to organize the New Mexico Press Association. Those who were in attendance and who signed the membership roll were:

Will Robinson, author of "Impressions of a Tenderfoot," and editor of the Roswell Register-Tribune; William E. Brogan of the Albuquerque Citizen; C. C. Hendricks and J. A. McDonald of the Evening Sun of Albuquerque; Mr. and Mrs. Orrin A. Foster, of the Raton Range, and Cimarron News and Press; Col. Max Frost, Paul A. F. Walter, John K. Stauffer, Don W. Lusk and Matt Tolin of the Santa Fe New Mexican; W. M. Berger, of the Belen Tribune; D. L. Newkirk of the Pecos Valley News, of Artesia; Judge and Mrs. E. D. Morse, of the Sun, of Santa Rosa; C. W. Combs, of the Torrance County Leader, of Estancia; M. E. Padgett, of the Optic, of Las Vegas; H. B. Henning of the Albuquerque Morning Journal; W. C. Hawkins, of the Montoya Republican; Nestor Montoya, of La Bandera Americana, of Albuquerque; Arthur E. Carren, of the News, of Clovis; H. R. Putnam, of the Texico Trumpet; William T. Reed, of the Carlsbad Argus; R. Q. Palmer, of the Clayton Citizen; Frank Staplin, of the Farmington Enterprise, and Blas Sanchez, of the Mora County Sentinel, of Wagon Mound.

A temporary executive committee of seven was elected as follows: Orrin A. Foster, of Raton, president; William E. Brogan, of Albuquerque, secretary; W. M. Berger, of Belen; H. B. Henning, of Albuquerque; Matt Tolin, of Santa Fe; R. Q. Palmer, of Clayton; W. B. Walton, of Silver City.

A committee on constitution and by-laws was selected as follows: Don W. Lusk, of Santa Fe, William E. Brogan, of Albuquerque; Orrin A. Foster, of Raton.

The executive committee was instructed to call a meeting of the association to be held in Albuquerque on September 29th, at which time the committee on by-laws and constitution was requested to have its report ready. The executive committee was also instructed to confer with the members of the Pecos Valley Press Association, of which Will Robinson is president, and invite them to unite with the New Mexico Press Association at the Albuquerque meeting.

The executive committee was instructed to send an invitation to every newspaper man in the Sunshine territory to become a member of the New Mexico Press Association, and to send their membership fee of \$2, which will pay a year's dues. The executive committee was also instructed to get out a program for the meeting, at Albuquerque, and select four or five topics upon which the editors will be asked to prepare papers to be read at that meeting. Arrangements will also be made for a banquet on the night of the 29th of September.

At the Albuquerque meeting a constitution and by-laws will be adopted and permanent officers elected for the first year.

### Another Railroad Promised.

An Albuquerque dispatch of August 20th says: A. L. Richmond of Pittsburgh, and a syndicate of western banks have, it is said, taken over \$1,000,000 worth of bonds of the Albuquerque Eastern railway, and will at once build the proposed new railroad from a junction with the New Mexico Central in the Estancia valley, forty-five miles from here, into this city, with a branch to the rich Hagan coal mining district.

The line will then be merged with the New Mexico Central. This road will connect Albuquerque with a rich and populous section of the territory, and will form one of the most important railroad links in the Southwest.

### Postoffice Changes.

Postoffices have been established at Mills, Mora county, to be served from Roswell, ten miles to the southeast, with Maggie Ward as postmaster; and at Rosado, Chaves county, to be served from Elkins, twenty miles to the north, with Schuyler A. Ward as postmaster.

The postoffices at Senorita, Sandoval county; and at Telles, Dona Ana county, have been discontinued. The mail for the former will be sent to Cuba, New Mexico, and for the latter to La Mesa.

### Hearst Donates Valuable Trophy.

William R. Hearst has promised a magnificent \$3,000 trophy for the National Irrigation Congress at Albuquerque, the exact conditions under which it is to be awarded to be announced later. The trophy will be a cup, three feet or more in height, beautifully ornamented, and will be a state prize, similar to the one donated by Mr. Hearst at the congress at Sacramento last year and won by the state of Utah.

### Cloudburst at Albuquerque.

An Albuquerque dispatch of the 16th inst. says: A cloudburst today did a great deal of damage to property in this city, a flood of water five feet high sweeping down several streets in the high lands, flooding cellars and yards and otherwise damaging property. A big washout on the Santa Fe railroad about seven miles south of here has blocked traffic, and other washouts are reported west and east of here. The rain was the heaviest of the season.

### Water Rights Approved.

Territorial Engineer Vernon L. Sullivan has approved the following applications for water rights:

E. Krause and W. E. Fletcher, post-office address, El Paso, Texas, to appropriate the waters of the Pecos river, which is tributary to the Pecos river, to be used to operate a power plant in Section 2, Township 17 south, Range 13 east. Estimated cost of the works, \$100,000 and the amount of power to be secured is 2,000 horsepower, to be used for electric lights and irrigation purposes.

Oliver M. Lee, of Alamogordo, Otero county, to appropriate the waters of Kid Bluff Springs and a group of springs in Grapevine canon in Townships 18 and 19, Range 11 east. Estimated cost of works, \$20,000, to be used for domestic, irrigation and stock purposes.

Oliver M. Lee, of Alamogordo, Otero county, to appropriate the waters of Scot Able canon and Sacramento river in Section 20, Township 18, Range 12 east, for power purposes. Estimated cost of works, \$35,000.

Oliver M. Lee, of Alamogordo, Otero county, to appropriate the waters of the Sacramento river in Township 19 south, Range 11 east, for power purposes. Estimated cost of works, \$80,000.

The forest service announces the appointment of S. L. Fisher, forest guard (Hunter), on the Pecos, and James C. Dexter, forest guard (Hunter), on the Jemez national forest.

Charles Kanan, who has been chief clerk of the law revision commission, has received the appointment of stenographer in the office of Territorial Secretary Nathan Jaffa. Mr. Kanan formerly resided at Roswell.

Delegate William H. Andrews was renominated for Congress by the Republican territorial convention August 18th, receiving a large majority on the first ballot. The vote stood 116 for Mr. Andrews, 44 for Charles A. Spiess and 29 for Judge Edward A. Mann.

Fifteen cans of trout fry from the United States fish hatchery at Leadville, Colorado, were recently received at Santa Fe. Frank Owen, R. J. Crichton, A. R. McCord and Clay Patterson have made arrangements to stock the Santa Fe, Tesuque and Rio Medio with these fish.

Two convicts at work on the executive mansion, being built near the capitol, escaped on the night of August 18th, but were recaptured next morning five miles south of Santa Fe, almost frozen from exposure during the night, and after having been soaked by crossing the Santa Fe river several times to throw the bloodhounds off their trail.

The Republican territorial central committee, named after the nomination for Congress of William H. Andrews, re-elected H. O. Buram of Socorro chairman for the third consecutive term. James W. Reynolds of Santa Fe, former territorial secretary, was chosen secretary, Mayor Jose D. Sena, assistant secretary, and Solomon Luna of Los Lunas, treasurer. Santa Fe was chosen as campaign headquarters.

Governor Curry on the 18th inst. pardoned Frank Sherlock, who had been sentenced to five years for horse stealing from Eddy county, but escaped eleven years ago, after serving part of his sentence. Sherlock went to Arizona, where he became prominent in business and politics and led an exemplary life. Through treachery of a former fellow convict whom he had befriended he was recognized and taken back to the penitentiary a few weeks ago. The pardon is unconditional.

A large force has been started at work on the \$60,000 smelter of the Pan American Smelting & Refining Company, Socorro, one of a string of five or six plants to be erected by this company in the southwest. The Socorro smelter will handle custom trade, but will depend chiefly on the large output of the mines in the Kelly and Magdalena districts of Socorro county.

A. L. Richmond, who is going to build the Albuquerque Eastern railway, before leaving for the East tendered the board of control of the Sixteenth National Irrigation congress an offer of \$100 to be given to the person furnishing the most suitable plans for the proposed depot building of the Albuquerque Eastern railway in Albuquerque. The plans must not call for an edifice exceeding \$50,000 in cost.

Governor Curry has appointed the following delegates to represent the territory of New Mexico at the meeting of the League of American Sportsmen, which will take place at Lawton, Oklahoma, on October 12th and 13th: W. E. Griffin, game warden, of Santa Fe; Page B. Otero, of Santa Fe; J. S. Carrol, of Mesquero; J. W. Akers, of Santa Fe; John Y. Thornon, of Ruidoso; Lawrence Hild, of Albuquerque; S. A. Blocker, of Hope; C. W. Wingfield, of Ruidoso.

An Albuquerque dispatch of August 20th says: Mrs. Dolores Arias, proprietor of a restaurant here, was struck by a Santa Fe passenger train while driving across the track, a mile north of the city, her horse was instantly killed, the buggy was demolished, and when the train stopped at the station bystanders were horrified to see what was apparently the corpse of a woman on the pilot of the engine. Mrs. Arias was found to be alive, but with a fractured skull and two broken ribs. She had been carried for a mile unconscious on the front of the engine. She was taken to a hospital, where she is lingering between life and death, with small chance of recovery.

## THE ISTHMUS COMMISSION

REPORTS GRATIFYING PROGRESS IN DIGGING THE BIG CANAL.

### PRESIDENT IS PLEASED

SENDS LETTER OF CONGRATULATION TO EACH MEMBER OF THE COMMISSION.

Oyster Bay.—President Roosevelt has made public a report submitted to him August 6th by a special commission consisting of James Bronson Reynolds, Samuel B. Donnelly and Henry Beach Needham regarding conditions in Panama. The commission was appointed April 25th last.

That the President is pleased with the report is shown in a letter which he sent to each member of the commission Friday. He will submit the report to Congress with appropriate recommendations.

The commission reports that it "inspected the entire line of the canal excavation from La Boca, the southern or Pacific terminus, to Cristobal, the northern or Caribbean terminus, and traveled through the excavation several times, interviewing the men at work."

Indicating the scope of the inspection, the commission reports that it visited the "government workshops, construction plants, warehouses, ship yards, dredges, commissary stores; living quarters (that is, hotels, messes, kitchens, camps), schools, club houses, courts, police stations, and the convalescent home at Taboga."

President Roosevelt's letter to the investigators says:

"I doubt if there is any piece of work undertaken on behalf of the American people of recent years of which the American people have more reason to be proud than of the work hitherto done on the Panama canal."

"The success has literally been astounding. Five years ago, when we undertook the task, no sane man would have dared to hope for the results which have already been achieved. The work itself has been advanced more expeditiously than we had ventured to think, and the rapidity of the rate of progress has steadily increased."

"Meanwhile the treatment of hygienic conditions on the isthmus has been such as to make it literally the model for all work of the kind in tropical countries. Five years ago the isthmus of Panama was a by-word for unhealthiness of the most deadly kind. At present the canal zone is one of the healthiest places on the globe, and the work which is being prosecuted with such tremendous energy is being prosecuted under conditions so favorable to the health and well-being of the workers that the mortality among them is abnormally small."

"Finally, in addition to the extreme efficiency of the work under Colonel Goethals and his assistants and the extraordinary hygienic success achieved under Dr. Gorgas, there is the further and exceedingly gratifying fact that on the isthmus the United States government has been able to show itself a model employer. There are matters to correct, of course, as your trip showed, but on the other hand it is true that the United States is looking after the welfare, health and comfort of those working for it as no other government has ever done in work of like character."

### Insurance Convention Closes.

Denver.—With the election of officers and the selection of Cincinnati as the meeting place in 1909, the members of the American Life convention Friday brought to an official close the most successful and most important sessions that they have ever held. Samuel Smith, general counsel of the Volunteer Life Insurance Company of Chattanooga, Tenn., and a prominent attorney of that city, was elected president to succeed R. H. Robinson, and T. W. Blackburn of the Bankers' Reserve of Nebraska, was re-elected secretary. Thomas Daly was chosen as the Colorado vice president.

### Favor Denver or St. Paul.

Rachus, Wis.—The Wisconsin delegation, United Spanish War Veterans, will leave Chicago Sunday afternoon, August 30th, for Boston to attend the fifth annual encampment of the organization. St. Paul, Denver, Tacoma, Oklahoma City and Richmond, Va., are after the 1909 convention, and Wisconsin delegates will endeavor to have the encampment held at St. Paul or Denver, because of the great expense they are put to in going to Atlantic or Pacific coast cities. An effort will be made to unite all the western delegates on these two cities.

### St. Louis Auditorium.

St. Louis.—The cornerstone of the Coliseum being erected at the southwest corner of Washington and Jefferson avenues, was laid Saturday. The structure is to be completed by the middle of October and will be one of the most spacious public buildings in the United States. It will be three stories in height and in architecture will follow the Italian Renaissance. The auditorium will have a seating capacity of 14,000, which may be increased on occasion to 20,000.